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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LAW OFFICES OF DAVID P GORDON  
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STAMFORD, CT 06905

EXAMINER

ROMAIN, JEANTY

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 12/04/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

AG

T.R

# Office Action Summary

Application No.  
09/386,641

Applicant(s)  
BALDWIN ET AL

Examiner  
Romain Jeanty

Art Unit  
2163



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 31, 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Nov 15, 1999 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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### **DETAILED ACTION**

1. Claims 1-20 are presented for examination.

#### **Claim Rejections - 35 USC § 112**

2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "said defined attributes" in line 2. There is insufficient antecedent basis for this limitation in the claim. Applicant is requested to amend the claim to recite proper antecedent basis.

#### **Claim Objections**

3. Claim 20 is objected to because of the following informalities: It appears that --with-- is missing after communication in line 2. Appropriate correction is required.

#### **Claim Rejections - 35 USC § 103**

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durand et al (6,272,467 hereinafter Durand).

**Regarding claims 1, 16, 18, 19 and 20, Durand discloses:**

**A processor, computer memory in communication with said processor and a network interface for communicating (see figure 2);**

**Receiving data measuring a plurality of defined personality traits for suitable candidates and receiving individual candidates data (i.e. users inputting information to be matched) (Col. 6, lines 25-38) , and storing said received data (col. 8, line 66 through Col. 9, line 20);**

**Comparing said individual candidate data to produce a list of potential users (i.e. by matching criteria of the users (see abstract); and**

**providing a list to the user (see figure 5, element 73 and Col. 9, lines 63-66).**

**Durand does not explicitly disclose data comprising of employment position, but Durand discloses that his invention can be applied to match potential employee with jobs (employment position) with employers preference data (col. 20, lines 12-28). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention**

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was made to have used the matching system of Durand for the motivation of job matching purposes instead of date matching purposes.

Regarding claim 2, Durand further discloses a computing device for performing the steps in claim 1 above (see figure 1).

Regarding claim 3, Durand discloses providing said candidate questionnaire in order to determine said individual candidate data (Col. 1, line 61 through 2, line 10).

Regarding claims 4 and 5, Durand discloses providing a questionnaire to successful user, (i.e. providing questions to a user) (Col. 1, line 61 through Col. 2, line 10).

Regarding claims 6 and 7, Durand discloses data having numerical values of personality traits of the users (i.e. calculating a trait profile of the users (Col. 13, lines 52-66)).

Regarding claims 8 and 9, Durand discloses numerical values for the user (Col. 4, lines 44-52).

Regarding claims 10 and 11, Durand discloses calculating a metric comparing each trait of said candidate (Col. 4, lines 34-48), but does not explicitly disclose a corresponding trait for each of said employment position. It would have been obvious to a person of ordinary skill in the art to calculate a metric comparing each trait of said candidate corresponding trait for each of said employment position. One would have been motivated to do this calculation for an employment position into Durand in order to assess a candidate's suitability for a position and competency to perform it.

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**Regarding claim 12, Durand further discloses summing all of said metric to arrive at a score (see figures 11 a-b, col. 5, lines 21-28; col. 6, lines 49-53). Summing all of said metric to arrive at a score indicative of said candidate's suitability for an employee position would have been obvious to a person of ordinary skill in the art in order to provide a close match for a job position.**

**Regarding claim 13 and 14, Durand does not explicitly disclose providing the candidate with an authenticator and authenticating said candidate. Official Notice is taken that providing a user with an authenticator such as a private password is old and well known in the encryption art. Incorporating this well known technique into the Puran and Durand would provide security to the list provided to the candidate, thereby preventing an unauthorized user from accessing the data.**

**Regarding claim 15, Durand discloses providing a list to the user but fails to explicitly disclose a list that includes identifiers of each employer. However, Since the invention of Durand could be used in an employment (employer) environment, including identifiers of each employer into the disclosure of Durand would have been obvious to a skilled artisan in order to facilitate the candidate to identify and select a desired employer.**

**Regarding claim 17, Durand discloses wherein at least of said personality traits is an extroversion (col. 1, line 66).**

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al (6,289,340 hereinafter Puram) in view of Durand et al (US 6,272,467 hereinafter Durand).

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Regarding claims 1 and 16, 18 and 19, Puram discloses:

a computer having a processor and a memory for communicating (see figure 1).

receiving employment position data measuring a plurality of defined personality traits for suitable candidates for each employment position from said employer (i.e. table 186 for receiving information) (col. 5, lines 62 through col. 6, line 15); and

storing said received employment position data; col. 2, lines 44-50);

receiving individual candidates data (col. 3, line 62 through col. 4, line 65).

Puram does explicitly disclose receiving personality traits of the candidate. Durand on the other hand, discloses a data collection system that matches job hunters with employers using personality traits (see abstract and col. 8, line 66 through col. 9, line 20). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have modified the disclosure of Puram by including the personality traits as evidenced by Durand. The motivation being for assessing a candidate's suitability for a position and competency to perform it.

Regarding claim 2, Puram further discloses a computing device for performing the steps in claim 1 above (col 7, line 7).

Regarding claim 3, Puram discloses providing said candidate questionnaire in order to determine said individual candidate data (col 6, lines 16-27).

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Regarding claims 4 and 5, Puram discloses providing an employee questionnaire to successful employee, filling each specific employment positions to determine said employment position data (i.e. providing questions to the employer) (col. 6, lines 16-27).

Regarding claims 6 and 7, Puram discloses receiving employment position and numerical values (see claim 1 above) but does not explicitly disclose data indicative of a range of values of a single personality traits of a suitable candidate for one of said employment position. Durand discloses data having calculating a score of personality traits (col. 4, lines 34-65). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Puram by including data indicative of values of a single traits as evidenced by Durand. The motivation being for assessing a candidate's suitability for a position and competency to perform it.

Regarding claims 8 and 9, Puram discloses numerical values for the employee (col. 4, lines 18-60).

Regarding claims 10 and 11, Puram discloses a table for calculating a metric comparing each trait "skill level" of said candidate and calculating a difference between a value for said trait of said candidate (see figure 3 and col. 7, lines 5-39).

Regarding claim 12, Puram further discloses summing all of said metric to arrive at a score indicative of said candidate's suitability for an employee position (see figures 11 a-b, col. 5, lines 21-28; col. 6, lines 49-53).

As per claims 13 and 14, the combination of Puram and Durand does not explicitly disclose providing the candidate with an authenticator and authenticating said candidate. Official



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Notice is taken that providing a user with an authenticator such as a private password is old and well known in the encryption art. Incorporating this well known technique into the Durand's disclosure would provide secure the integrity of the information in the list, thereby preventing the data from being accessed by an unauthorized user.

Regarding claim 15, Puram discloses a providing a list to the user but fails to explicitly disclose a list that includes identifiers of each employers. However, Since the invention of Durand could be used in an employment (employer) environment, including identifiers of each employers into the disclosure of Durand would have been obvious to a skilled artisan in order to facilitate the candidate to identify and select a desired employer.

Regarding claim 17, Puram discloses an attribute from the list comprising the skill level of the candidate(i.e. industry/organization skill level) (Col. 4, lines 30-39).

Regarding claim 20. Puram discloses a network interface, in communication with a processor for interconnecting with a computer network to receive employment position data and said individual candidate data from said computer network (see figure 1b and col. 2 line 59 through col. 3, line 2).

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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a. Clark et al (US 5,164,897) disclose a method for selecting personal job matched criteria which could be used in USC 103 rejection of all pending claims.

b. Ostby et al (5,326,270) discloses a method for assessing a candidate for a task (position) could be used in USC 103 rejection of all pending claims.

c. Bonnstetter et al (US 5,551,880) discloses method for evaluating employees which could be used in 35 USC 103 rejection of all pending claims..

d. McGovern (5,978,768) discloses a system for enabling prospective applicants to find available positions which could be used in 35 USC 103 rejection of all pending claims.

e. Taylor (US 5,832,497) discloses a system for posting and searching job advertisements and matching job positions which could be used in 35 USC 103 rejection of all pending claims.

f. McGovern (US 5,918,207) discloses a system for selecting skill levels of candidates which could be used in 35 USC 103 rejection of all pending claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 8:00 a.m to 4:30 p.m.

If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R. Hafiz, can be reached at (703) 305-9643.


The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-3900.

Romain Jeanty.

November 28, 2001.



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100